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**RESPONSE UNDER 37 CFR 1.116  
EXPEDITED PROCEDURE  
EXAMINING GROUP: 1635**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In Re Application of:**

Dean, et al.

**Serial No.:** 09/403,539

**Group Art Unit:** 1635


**Filing Date:** October 22, 1999

**Examiner:** M. Shibuya

**For:** OLIGONUCLEOTIDES FOR ENHANCED BIOAVAILABILITY

DATE OF DEPOSIT: May 7, 2001

I HEREBY CERTIFY THAT THIS PAPER IS BEING  
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TYPED NAME: JOSEPH LUCCI  
REGISTRATION NO.: 33,307

Box ☐ NON-FEE

☒ AF

Assistant Commissioner for Patents  
Washington DC 20231

Sir:

**AMENDMENT TRANSMITTAL LETTER**

Transmitted herewith for filing in the above-identified patent application is:

- ☐ A Preliminary Amendment.
- ☒ An Amendment Responsive to the Final Office Action Dated March 28, 2001.
- ☐ An Amendment Supplemental to the Paper filed \_\_\_\_\_.
- ☐ Other: \_\_\_\_\_.

- ☒ Applicant(s) has previously claimed small entity status under 37 CFR §1.27.
- ☐ Applicant(s) by its/their undersigned attorney, claims small entity status under 37 CFR §1.27 as:
- ☐ an Independent Inventor
  - ☐ a Small Business Concern
  - ☐ a Nonprofit Organization
- ☐ This application is no longer entitled to small entity status. It is requested that this be noted in the files of the Patent and Trademark Office.
- ☐ Substitute Pages \_\_\_\_\_ of the Specification are enclosed.
- ☐ An Abstract is enclosed.
- ☐ \_\_\_\_\_ Sheets of Proposed Corrected Drawings are enclosed.
- ☐ A Certified Copy of each of the following applications: \_\_\_\_\_  
\_\_\_\_\_ is enclosed.
- ☐ An Associate Power of Attorney is enclosed.
- ☐ Information Disclosure Statement.
- ☐ Attached Form 1449.
  - ☐ A copy of each reference as listed on the attached Form PTO-1449 is enclosed herewith.
- ☐ Appended Material as follows: \_\_\_\_\_ .
- ☐ Other Material as follows: \_\_\_\_\_ .

## FEE CALCULATION



No Additional Fee is Due.

|  |                                 |                     |       | SMALL ENTITY |       | NOT SMALL ENTITY |       |
|--|---------------------------------|---------------------|-------|--------------|-------|------------------|-------|
|  | REMAINING<br>AFTER<br>AMENDMENT | HIGHEST<br>PAID FOR | EXTRA | RATE         | FEE   | RATE             | FEE   |
| TOTAL<br>CLAIMS  | 6                               | 33<br>(20 MINIMUM)  | 0     | \$9 EACH     | \$    | \$18<br>EACH     | \$    |
| INDEP.<br>CLAIMS   | 0                               | 3<br>(3 MINIMUM)    | 0     | \$40<br>EACH | \$    | \$80<br>EACH     | \$    |
| FIRST PRESENTATION OF MULTIPLE DEPENDENT                     |                                 |                     |       | \$135        | \$    | \$270            | \$    |
| <input type="checkbox"/> ONE MONTH EXTENSION OF TIME         |                                 |                     |       | \$55         | \$    | \$110            | \$    |
| <input type="checkbox"/> TWO MONTH EXTENSION OF TIME         |                                 |                     |       | \$195        | \$    | \$390            | \$    |
| <input type="checkbox"/> THREE MONTH EXTENSION OF TIME       |                                 |                     |       | \$445        | \$    | \$890            | \$    |
| <input type="checkbox"/> FOUR MONTH EXTENSION OF TIME        |                                 |                     |       | \$690        | \$    | \$1390           | \$    |
| <input type="checkbox"/> FIVE MONTH EXTENSION OF TIME        |                                 |                     |       | \$945        | \$    | \$1890           | \$    |
| <input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID |                                 |                     |       | minus        | (\$ ) | minus            | (\$ ) |
| <input type="checkbox"/> TERMINAL DISCLAIMER                 |                                 |                     |       | \$55         | \$    | \$110            | \$    |
| <input type="checkbox"/> OTHER FEE OR SURCHARGE AS FOLLOWS:  |                                 |                     |       |              |       |                  |       |
| TOTAL FEE DUE  |                                 |                     |       |              | \$ 0  |                  | \$    |



A Check is Enclosed in the Foregoing Amount Due.



Petition is hereby made under 37 C.F.R. 1.136(a) to extend the time for response to the Office Action of @@ to and through @@ comprising an extension of the shortened statutory period of @@ month(s).




The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to deposit

account 23-3050. This sheet is provided in duplicate.

- ☒ The Commissioner is authorized to charge payment of the following fees and to refund any overpayment associated with this communication or during the pendency of this application to deposit account 23-3050. This sheet is provided in duplicate.
- ☐ The Foregoing Amount Due for Filing this Paper.
- ☒ Any additional filing fees required, including fees for the presentation of extra claims under 37 C.F.R. 1.16.
- ☒ Any additional patent application processing fees under 37 C.F.R. 1.17 or 1.20(d).

**SHOULD ANY DEFICIENCIES APPEAR** with respect to this application, including deficiencies in payment of fees, missing parts of the application or otherwise, the United States Patent and Trademark Office is respectfully requested to promptly notify the undersigned.

**Date:** May 7, 2001

  
\_\_\_\_\_  
**JOSEPH LUCCI**  
**Registration No. 33,307**

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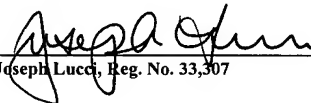
Examiner: M. Shibuya

For: OLIGONUCLEOTIDES FOR ENHANCED BIOAVAILABILITY

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B  
(H.B.)

I, Joseph Lucci, Registration No. 33,307, certify that this correspondence is being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

On MAY 7, 2001

  
Joseph Lucci, Reg. No. 33,307

Box AF  
Assistant Commissioner  
for Patents  
Washington, D.C. 20231

REQUEST FOR RECONSIDERATION

In response to the Final Office Action mailed on March 28, 2001, in connection with the above-identified patent application. Applicants respectfully request reconsideration and withdrawal of the rejections in view of the following arguments and amendments.